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JULY 22 2008

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

JUL 22 2008

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellant,

v.

MARK DILLON; TERESA NOA; BRIAN CHRISTENSEN; FLEMING COMPANIES, INC., an Oklahoma Corporation; C & S LOGISTICS OF HAWAII, LLC, a Delaware LLC; C & S WHOLESALE GROCERS, INC. a Vermont Corporation; C & S ACQUISITIONS, LLC; RICHARD COHEN, a New Hampshire citizen; ES3 LLC, a Delaware Limited Liability Company; MELVIN PONCE, Hawaii citizen; SONIA PURDY, Hawaii citizen; JUSTIN FUKUMOTO, Hawaii citizen AFREDDA WAIOLAMA, Hawaii citizen; JACQULINE RIO, Hawaii citizen; GUIDANCE SOFTWARE, LLC, a California LLC; MICHAEL GURZI, a California citizen,

Defendants - Appellees.

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellant,

v.

MARK DILLON; TERESA NOA; BRIAN CHRISTENSEN; FLEMING COMPANIES, INC., an Oklahoma Corporation; C & S LOGISTICS OF HAWAII, LLC, a Delaware LLC; C & S WHOLESALE GROCERS, INC. a Vermont Corporation; C & S ACQUISITIONS, LLC; RICHARD COHEN, a New Hampshire citizen; ES3 LLC, a Delaware Limited Liability Company; MELVIN PONCE, Hawaii citizen; SONIA PURDY, Hawaii citizen; JUSTIN FUKUMOTO, Hawaii citizen AFREDDA WAIOLAMA, Hawaii citizen; JACQULINE RIO, Hawaii citizen; GUIDANCE

No. 06-16199

D.C. No. CV-03-00385-SOM DAE-VER
District of Hawaii, Honolulu

MOLLY C. DWYER, CLERK OF COURT
U.S. COURT OF APPEALS

MANDATE

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

JUL 24 2008
at 11 o'clock and 4 min. M.
SUE BEITIA, CLERK

No. 07-15447

D.C. No. CV-03-00385-SOM DAE-VER
District of Hawaii, Honolulu

MANDATE

SOFTWARE, LLC, a California LLC;
MICHAEL GURZI, a California citizen,

Defendants - Appellees.

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellee,

v.

MARK DILLON; TERESA NOA; BRIAN
CHRISTENSEN,

Defendants - Appellants,

MELVIN PONCE, Hawaii citizen; SONIA
PURDY, Hawaii citizen JUSTIN
FUKUMOTO, Hawaii citizen; AFREDDA
WAIOLAMA, Hawaii citizen; JACQULINE
RIO, Hawaii citizen,

Defendants - Appellants,

and

FLEMING COMPANIES, INC., an Oklahoma
Corporation; C & S LOGISTICS OF HAWAII,
LLC, a Delaware LLC; C & S WHOLESALE
GROCERS, INC., a Vermont Corporation; C &
S ACQUISITIONS LLC; RICHARD COHEN,
a New Hampshire citizen; ES3 LLC, a
Delaware Limited Liability Company,

Defendants,

GUIDANCE SOFTWARE, LLC, a California
LLC; MICHAEL GURZI, a California citizen,

Defendants.

WAYNE BERRY, a Hawaii citizen,

Plaintiff - Appellee,

No. 07-15587

D.C. No. CV-03-00385-SOM

District of Hawaii, Honolulu

DAE-102

MANDATE

No. 07-15588

D.C. No. CV03-00385-SOM

District of Hawaii, Honolulu

DAE-102

v.

MARK DILLON; TERESA NOA; BRIAN CHRISTENSEN; FLEMING COMPANIES, INC., an Oklahoma Corporation; C & S LOGISTICS OF HAWAII, LLC, a Delaware LLC; C & S WHOLESALE GROCERS, INC. a Vermont Corporation; C & S ACQUISITIONS, LLC; RICHARD COHEN, a New Hampshire citizen; ES3 LLC, a Delaware Limited Liability Company; MELVIN PONCE, Hawaii citizen,

Defendants,

SONIA PURDY, Hawaii citizen; JUSTIN FUKUMOTO, Hawaii citizen; AFREDDA WAIOLAMA, Hawaii citizen; JACQULINE RIO Hawaii citizen; GUIDANCE SOFTWARE, LLC, a California LLC MICHAEL GURZI, a California citizen,

Defendants,

and

POST-CONFIRMATION TRUST,

Defendant - Appellant.

MANDATE

The judgment of this Court, entered 6/27/08, takes effect this date.

This constitutes the formal mandate of this Court issued pursuant to Rule 41(a) of the Federal Rules of Appellate Procedure.

FOR THE COURT:

Molly C. Dwyer
Clerk of Court



By: Lee-Ann Collins
Deputy Clerk